

## REMARKS

As a preliminary matter, Applicants request acknowledgment of the claim for priority made under 35 U.S.C. § 119 on the basis of Japanese Patent Application No. 11-246520, a certified copy of which was provided on February 1, 2000.

Claims 1, 7 and 8 stand rejected under 35 U.S.C. § 112 as being indefinite. In response, Applicants have amended the claims to more explicitly indicate that the “queue is shorter” language in the claims refers to the queue length.

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being obvious over Chen et al. (U.S. Patent No. 5,553,235) in view of Gerardin et al. (U.S. Patent No. 6,222,822), and further in view of Adl-Tabatabai (U.S. Patent No. 6, 170,083). Applicants respectfully traverse the rejection because the cited references do not disclose or suggest providing either a system diagnosis apparatus or a system diagnosis method that diagnose the performance of system resources based on a system utility rate being higher than a threshold level and a queue length being longer than a queue length threshold level.

The Chen reference discloses a method and an apparatus for analyzing the operations of data processing systems, where a user can graphically determine performance diagnostics for the data processing system. The Chen reference does not disclose a reference for carrying out diagnosis, but rather a system for displaying results of diagnosis using data received from a data source through a network. The description of “two statistics: level and queue” (Col. 69, lines 34-35), indicate that two statistic data called “level and queue” are

included in a set of data supplied (See Table 45). The Chen reference does not describe the “level and queue.” Further, the Chen reference does not disclose providing either a system diagnosis apparatus or a system diagnosis method that diagnose the performance of system resources based on a system utility rate being higher than a threshold level and a queue length being longer than a queue length threshold level.

The Gerardin reference discloses a method for optimizing a digital transmission network operation through transient error monitoring, where a threshold is set for a transmit queue whose level is constantly monitored with use of a counter. A rerouted connection is provided if a transient error occurred in one of the queues and the connection is disabled (Col. 9, lines 23-44). A judgment whether to provide the rerouted connection is carried out by a queue level (Col. 9, line 54 to Col 10, line 13). While the Gerardin reference discloses the optimizing method for transient errors, it does not disclose a system diagnosis apparatus or a system diagnosis method that diagnoses the performance of system resources based on a system utility rate being higher than a threshold level and a queue length being longer than a queue length threshold level.

The Adl-Tabatabai reference discloses a method for optimizing execution paths, where an execution path is optimized when the execution path is executed often (Col. 5, lines 18-27). The number of the execution is counted by an execution path counter and if the execution path counter exceeds a threshold value, the execution path is optimized so that the optimized execution path contains no branches such that the optimized execution path

will execute very quickly (Col. 6, lines 19-37). As described above, the Adl-Tabatabai reference discloses an optimizing method for execution paths, however, it does not disclose a system diagnosis apparatus or a system diagnosis method that diagnoses the performance of system resources based on a system utility rate being higher than a threshold level and a queue length being longer than a queue length threshold level.

Claim 2 additionally includes the feature of an ordering unit which orders a system resource determined by the determining unit of claim 1, which enables prompt and accurate supply of system resources. This feature is also not described by the cited references. Accordingly, the rejection to claim 2 is considered traversed.

Since none of these references, taken alone or in combination, disclose or suggest the above features of the invention, withdrawal of the § 103 rejection to claims 1-8 is respectfully requested.

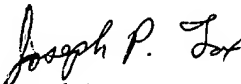
Further, since the cited references have different objects from that of the present invention, they cannot attain the object of the present invention.

For these reasons, withdrawal of the rejection is respectfully requested. Applicants submit that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted

GREER, BURNS & CRAIN, LTD.

By

  
Joseph P. Fox  
Registration No. 41,760

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300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315  
Customer No. 24978

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